

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAN KYES,

Plaintiff,

v.

TEREX CORPORATION,

Defendant.

CASE NO. 2:21-cv-00951-JCC-JRC

SCHEDULING ORDER

The Court has reviewed the parties' Joint Status Report (Dkt. 23) and supplement thereto (Dkt. 28) and schedules this case for a three-day jury trial on **June 12, 2023, at 9:30 a.m. before the Honorable John C. Coughenour, Courtroom 16206** with the following pretrial schedule:

Event	Date
Deadline for joining additional parties	September 1, 2022
Deadline for amending pleadings	September 15, 2022
Plaintiff's expert disclosures under Fed. R. Civ. P. 26(a)(2)	October 21, 2022
Defendant's expert disclosures under Fed. R. Civ. P. 26(a)(2)	October 21, 2022

1	Rebuttal expert disclosures	November 4, 2022
2	Discovery completed by	January 13, 2023
3	All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) and LCR 37(a)(2)	Discovery motions filed by December 22, 2022
4	All dispositive motions must be filed by (<i>see</i> LCR 7(d))	February 10, 2023
5	All motions in limine must be filed by this date and noted on the motion calendar no later than the third Friday after filing.	May 18, 2023
6	Motions in limine raised in trial briefs will not be considered.	
7	Agreed LCR 16.1 Pretrial Order due	May 31, 2023
8	Trial briefs, proposed voir dire, jury instructions and exhibits by	June 9, 2023
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10 This order sets firm dates that can be changed only by order of the Court, not by
11 agreement of counsel for the parties. The Court will alter these dates only upon good cause
12 shown. Failure to complete discovery within the time allowed is not recognized as good cause.
13 If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal
14 holiday, the act or event shall be performed on the next business day.

15 If the trial dates assigned to this matter creates an irreconcilable conflict, counsel must
16 notify Deputy Clerk Kelly Miller at Kelly_miller@wawd.uscourts.gov, within 10 days of the
17 date of this Order and must set forth the exact nature of the conflict. A failure to do so will be
18 deemed a waiver. Counsel must be prepared to begin trial on the date scheduled, but it should be
19 understood that the trial may have to await the completion of other cases.

20 Trial Procedures

21 **1. Jury Instructions.** Jury instructions should be numbered sequentially. Counsel
22 should submit two copies of proposed jury instructions, one with citations and one without, and
23 should send electronic copies of the instructions to the chambers orders inbox at
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coughenourorders@wawd.uscourts.gov. Counsel is advised that the Court relies primarily on the Ninth Circuit Manual of Model Jury instructions, available at <http://www3.ce9.uscourts.gov/jury-instructions/model-civil>. The Court will rarely, if ever, deviate from the model instructions' language. Counsel should refer to the filing instructions in Local Rule CR 51(h) for further instruction on Joint Instructions and Joint Statements of Disputed Instructions.

2. Trial exhibits. The Court must receive all trial exhibits by the date noted above.

All trial exhibits must be pre-marked by counsel. Exhibit tags can be obtained from the Clerk's Office. Plaintiff's exhibits shall be numbered consecutively starting with number 1. Defendant's exhibits shall be numbered consecutively starting with number A-1. Duplicated documents shall not be listed twice on the exhibit list. **Once a party has identified an exhibit on the exhibit list or in the pretrial order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder with appropriately numbered tabs. This original, and one copy, should be delivered to the in-court clerk on the morning of trial.** If the exhibit list is revised at any time after it is filed with the Court, counsel shall file a revised exhibit list. Technology training is strongly encouraged.

Discovery

As required by LCR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel shall also cooperate in preparing the agreed pretrial order in the format required by LCR 16.1.

Settlement

If this case settles, plaintiff's counsel shall notify Kelly Miller via e-mail at Kelly_Miller@wawd.uscourts.gov, as soon as possible. Pursuant to LCR 11(b), an attorney who

1 fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as
2 the Court deems appropriate.

3 The Clerk is directed to send copies of this Order to all parties of record.

4 Dated this 25th day of January, 2022.

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6 J. Richard Creatura
7 Chief United States Magistrate Judge
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